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TOWNSEND AND TOWNSEND AND CREW, LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO, CA 94111-3834

EXAMINER
CHONG CRUZ, NADJA N

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	09/858,122	KATZ ET AL.
	Examiner	Art Unit	
	NADJA CHONG CRUZ	3623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>13 April 2009</u>.

2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>140-145,150,151,155-159,162,169-174,182,183 and 230-236</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>140-145, 150-151, 155-159, 162, 169-174, 182-183 and 230-236</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

1.   This is Final office action in reply to the response filed on 13 April 2009.

2.   Claims 140, 142-145, 150, 155-158, 170, 172-174 and 182 have been amended.

3.   Claims 1-139, 146-149, 152-154, 160-161, 163-168, 175-181 and 184-229 have been canceled.

4.   Claims 230-236 have been added.

5.   Claims 140-145, 150-151, 155-159, 162, 169-174, 182-183 and 230-236 are currently pending and have been examined.

6.   The rejections of claims 140-145, 150-151, 155-159, 162, 169-174, 182-183 and 230-236 have been updated to reflect the amendments.

7.   Examiner notes that this is a supplemental action in accordance with the telephonic interview on 5 August 2009.

Response to Amendment

8.   Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action.

9.   The rejection of claims 140-186 under 35 USC § 101 is withdrawn in light of Applicant's amendment.

10.   The rejection of claims 149, 154, 161 and 174-181 under 35 USC § 112 is withdrawn in light of Applicant's amendment.

Claim Rejections - 35 USC § 112

11.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

12.   Claims 230 and 231 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

13. As per claims 230 and 231 both recites *using a fourth analysis module [...] based on a fourth set of user-defined parameters*. Examiner notes that the fourth analysis module is used for two different functions e.g., to identify components that are shortage risk or to determine an allocation of a purchase. Examiner is not clear which one is the correct one defined as the fourth analysis module. Appropriate correction is required.

Claim Rejections - 35 USC § 103

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

15. Claims 140-145, 150-151, 155-159, 162, 169-174, 182-183 and 233-236 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fox et al. (U.S. 5,491,629) hereinafter "Fox" in view of Ouimet (US 2002/0107819 A1) further in view of Waller et al., (US 2001/0047293 A1) hereinafter "Waller".

As per **claim 140**, Fox discloses a method comprising:

discovering, by a computer system, internal and external data related to a plurality of components to be procured by an enterprise, (col. 6, lines 10-19 and 33-40; Figure 5; A computer system uses internal and external data to determine an impact on the retail industry. The internal and external data is used to revise a managerial plan (i.e., make strategic decisions).);

wherein the internal data originates from one or more data sources internal to the enterprise (col. 9, lines 33-35: "MIS architecture 402 captures store information 116" (e.g., internal data from a data source internal to the enterprise), see also col. 10, lines 39-54);

and wherein the external data originates from one or more data sources external to the enterprise (col. 9, lines 55-60 which teach that "[a]lso available to the retailer is external information 136. External

information 136 can be economic, demographic, competitive, or any other information [...]. External

information 136 is typically available via on-line data services or from external databases sources");

     storing, by the computer system, the discovered internal and external data in a data mart (item

120 in Figure 1);

     Fox teaches *analyzing by the computer system of internal and external data* in col. 12, lines 1-9;

col. 14, lines 53-56; Analysis of the potential impact is made. Fox does not expressly teach the following

limitations. However Ouimet in an analogous art of strategic planning for the purpose of determining

criticality ratings and forecasting prices (¶ 0069 and 0026) as shown does:

     using a first analysis module to determine criticality ratings for the plurality of components,

wherein the criticality rating for a component indicates the strategic importance of the component to

operations of the enterprise, and wherein the analyzing performed using the first analysis module is

based on a first set of user-defined parameters that qualify the internal or external data (¶ 0069 which

teaches that "[t]he system gives the user the option of ranking the multiple Strategic Objects in terms of

weights to prioritize multiple strategic objectives or in terms of a target value for a particular Strategic

Objective." (e.g., a first set of user-defined parameters) "When presented with a target value for a

Strategic Objective, the system operates to find the proper weight" (e.g., determine criticality ratings) "for

the Objective that will yield the target value after optimization. When presented with the weight of a

Strategic Objective, the system proceeds to optimize the model in light of that weight.");

     using a second analysis module to forecast prices for the plurality of components, wherein the

analyzing performed using the second analysis module is based on a second set of user-defined

parameters that qualify the internal or external data (¶ 0026 which teaches that "[a] planner sets the price

of each item based on actual constraints (like the actual cost of the goods)" (e.g., a second set of user-

defined parameters) "with a view towards maximizing profit. A planning model can simulate" (e.g., an

analysis module) "a large number of possible price decisions and based on real historical sales data"

(e.g., internal data) "can predict the decisions (prices)" (e.g., forecast prices) "to reach the primary

objective (produce the optimum profit)");

Therefore, it would have been obvious to one of ordinary skill in the art to modify Fox to include the teaching of Ouimet because the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

Fox teaches *analyzing by the computer system of internal and external data* in col. 12, lines 1-9; col. 14, lines 53-56; Analysis of the potential impact is made. Fox does not expressly teach the following limitations. However Waller in an analogous art of inventory analysis for the purpose of determining optimal inventory levels (¶ 0074) as shown does:

using a third analysis module to determine optimal inventory levels for the plurality of components, wherein the analyzing performed using the third analysis module is based on a third set of user-defined parameters that qualify the internal or external data (¶ 0074 which teaches that "the optimization process" enables "a user to efficiently manage inventory" based for a product set that "offers the lowest possible total cost, highest possible economic profit, highest possible unit sales, highest possible sales revenue, highest possible gross margin, or a weighted combination of any of these objectives for the set of products being analyzed" (e.g., a third set of user-defined parameters) wherein "the proposed optimal solution is expressed in numbers of facings of the products or in optimal shelf inventory level");

Therefore, it would have been obvious to one of ordinary skill in the art to modify Fox in view of Ouimet to include the teaching of Waller because the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

Further Fox teaches:

recommending by the computer system, one or more proposed actions to take with respect to procurement of plurality of components based on the analyzing performed using the first, second, and third analysis modules (col. 8, lines 25-37; col. 18, lines 60-67; Figure 7; A revised managerial plan is generated in response to the analysis of the potential impact, where the revised managerial plan includes

new/altered (i.e., recommended) actions to the original managerial plan Examples of a managerial plan

are product buying, product distribution and labor scheduling. Applicant admits that Fox. discloses

recommending one or more new/altered managerial plans on page 43 of the Remarks filed April 11,

2008.); *and*

providing by the computer system, one or more computer-initiated options for fully or partially

executing an action in the one or more proposed actions (col. 10, line 56-col. 11, line 4; Figure 6; The

workstation may be used to execute different portions of the managerial plan such as the buying,

distributing or advertising.).

As per **claim 141**, Fox discloses the method of claim 140, *wherein the discovered internal and*

external data stored in the data mart is organized for querying and report generation, and represented to

the user in a plurality of formats (col. 6, lines 47-50; col. 8, lines 15-20; The data from the internal and

external sources is queried and used to generate deweatherized managerial plans, which are provided

via graphical reports.).

As per **claim 142**, Fox discloses the method of claim 140, *further comprising producing, by the*

computer system, one or more reports based on the analyzing performed using the first, second, and

third analysis module, wherein the one or more reports provide the user with information regarding an

impact or potential impact of the discovered internal and external data on procurement decisions,

sourcing decisions and strategic sourcing decisions in the enterprise with respect to the plurality of

components, and wherein the one or more reports include information displayed in one or more

graphical formats (col. 6, lines 47-50; col. 7, lines 11-14).

As per **claim 143**, Fox discloses the method of claim 142, *wherein the one or more graphical*

formats include a table, chart, graph, or map (col. 6, lines 47-50; col. 7, lines 11-14).

As per **claim 144**, Fox discloses the method of claim 140, *further comprising producing, by the*

computer system, one or more reports based on the analyzing performed using the first, second, and

third analysis module, wherein the one or more reports provide the user with information regarding an

impact or potential impact of the discovered internal and external data on procurement decisions,

sourcing decisions and strategic sourcing decisions in the enterprise with respect to the plurality of

components, and wherein the one or more reports include information represented in one or more non-graphical formats (col. 6, lines 47-50; The predictive model showing the weather impact is provided via a report, or non-graphical format.).

As per **claim 145**, Fox discloses the method of claim 144, *wherein the one or more non-graphical formats include a news bulletin, an alert box or an audio message* (col. 6, lines 47-50; The predictive model showing the weather impact is provided via a report, or non-graphical format.).

As per **claim 150**, Fox discloses the method of claim 140, *wherein the step of discovering internal and external data assists the user in identifying parameters for criteria relevant to procurement decisions, sourcing decisions and strategic sourcing in the enterprise regarding the plurality of components* (col. 8, lines 52-64; col. 9, lines 3-25; Parameters, such as leadtimes, are used as relevant criteria to the decision making related to the managerial plan.).

As per **claim 162**, Fox discloses *wherein the step of discovering internal and external data includes extraction, transformation and loading of data, scanning of data that has been aggregated across a single business unit or across multiple business units of the enterprise* (col. 6, lines 10-19 and 33-40; Figure 5; A computer system uses internal and external data to determine an impact on the retail industry. The internal and external data is used to revise a managerial plan (i.e., make strategic decisions).

However, Fox does not expressly disclose conducting of real-time searching or customizing of real-time alerts and news feeds.

Fox disclose creating models related for advertising campaigns for users by collecting data such as external and internal data. It is old and well known in businesses to perform the functions of real-time searching, customized real-time alerting, and news feeds based on data currently collected. It would have been obvious to one of ordinary skill in the art at the time of the invention to include these data-based features in the system of Fox in order to more accurately plan and manage the strategic decisions of the company based on the most current information.

As per **claim 174**, Fox discloses running the model weekly and monthly and using past data (See column 6). However, Fox does not explicitly *reintegrating the internal and external data into the*

data mart after each step of the method is performed, and wherein the data is continuously incorporated into the data mart automatically or at predetermined or other intervals.

Fox discloses a modeling system that uses external and internal data and makes forecasts on weekly and monthly increments using past data. It is old and well known in the forecasting arts to update your data over-time in order to make more accurate projections. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to update and integrate data in the system of Fox in order to more accurately make predictions.

Claims 151, 155-157 and 159 recite limitations similar to those already rejected above and are therefore rejected on the same basis as claims 140-145 and 150 above.

As per **claims 158 and 169-173**, examiner notes that claim 140 recites "providing by the computer system one or more computer-initiated options for fully or partially executing an action". Therefore, executing the action is not a positively recited step in the claim. Thus, claims 158, 169, and 171-173 fall outside the scope of the claims.

As per **claim 182** Fox does not expressly discloses *further comprising alerting the user of conditions that are relevant to the user's tasks in procurement, sourcing or strategic sourcing.* Examiner takes Official Notice that it is old and well known in workflow management processes to alert users of certain conditions in order to make the user aware of certain conditions happening during a workflow process so that the user can take certain actions at that time if necessary. It would have been obvious at the time of the invention to a person of ordinary skill in the art to modify Fox. to alert a user of a satisfied condition so that the user is made aware of a certain threshold being crossed and is able to take certain actions regarding the condition, if necessary, thereby providing the user with instant feedback regarding the status of things.

Claim 183 recites limitations similar to those already rejected above and is therefore rejected on the same basis as claims 140-178, 150 and 182 above.

As per **claim 233** Fox does not expressly teach the following limitations. However Ouimet in an analogous art of strategic planning for the purpose of determining criticality ratings and forecasting prices (¶ 0069 and 0026) as shown does:

wherein the criticality rating for a component in the plurality of components is based on one or more variables including profit impact of the component, a number of products that would be affected by a shortage of the component, and a current inventory level of the component (¶0024 which teaches that "[t]he optimization routine successively analyzes the margin/revenue envelope to determine the scenario that gives the highest margin (profit) and the highest revenue");

Therefore, it would have been obvious to one of ordinary skill in the art to modify Fox to include the teaching of Ouimet because as explained above.

As per **claim 234** Fox does not expressly teach the following limitations. However Waller in an analogous art of inventory analysis for the purpose of determining optimal inventory levels (¶ 0074) as shown does:

wherein the optimal inventory levels for the plurality of components are based on inventory holding costs, revenue impact of stocking out of the components, and warehouse constraints (Figure 2, reference character 206 "Inventory holding cost factor, item cost, item selling price, cost per stockout per unit" and 211 "space constraint" e.g., warehouse constraints);

Therefore, it would have been obvious to one of ordinary skill in the art to modify Fox in view of Ouimet to include the teaching of Waller because as explained above.

As per **claim 235**, Fox teaches in col. 10, lines 33-35: "MIS architecture 402 captures store information 116" (e.g., internal data from a data source internal to the enterprise), see also col. 9, lines 39-54. Fox does not expressly teach the following limitations. However Waller in an analogous art of inventory analysis for the purpose of providing data sources internal to the enterprise (¶ 0087) as shown does:

wherein the one or more data sources internal to the enterprise include: a supplier database comprising information about suppliers of the plurality of components; a contracts database comprising information about supplier contracts; an internal parts database comprising information about products incorporating the plurality of components; a supply chain data database comprising information about inventory levels for the plurality of components, warehouse locations, and production schedules; and an enterprise resource planning (ERP) database comprising information about accounting ledgers and

financial records related to the plurality of components (¶ 0087 teaches that "[t]hese are two types of data collections that can be imported into the optimizer database 36. The first, entity data, contains detail on each SKU" (e.g., an internal parts database) "that is to be analyzed. The second, demand data, contains weekly or daily demand information" (e.g., a supply chain database) "that will be transformed into model inputs"

As per **claim 236** Fox discloses the method of claim 235 *wherein the one or more data sources external to the enterprise include: electronic product databases comprising information about products sold by one or more external suppliers, the information including pricing, availability, and lead time; and subscription sources comprising information about industry trends and market news* (col. 9, lines 55-60 that "[a]lso available to the retailer is external information 136. External information 136 can be economic, demographic, competitive," (e.g., subscription source: industry trends and market news) "or any other information that the retailer believes is of value to assessing his business performance. External information 136 is typically available via on-line data services or from external databases sources"

16.   Claim 230 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fox. (U.S. 5,491,629) hereinafter "Fox" in view of Ouimet (US 2002/0107819 A1) further in view of Waller et al., (US 2001/0047293 A1) hereinafter "Waller" as applied to claims 140-145, 150-151, 155-159, 162, 169-174, 182-183 and 233-236 above in view of Huang et al., (US 5,953,707) hereinafter "Huang".

As per **claim 230** Fox teaches *analyzing by the computer system of internal and external data* in col. 12, lines 1-9; col. 14, lines 53-56; Analysis of the potential impact is made. Fox does not expressly teach the following limitations. However Huang in an analogous art of management of an agile supply chain for the purpose of determining shortage risks (col. 13, lines 39-40) as shown does:

using a fourth analysis module to identify components in the plurality of components that are shortage risks, wherein the analyzing performed using the fourth analysis module is based on a fourth set of user-defined parameters that qualify the internal or external data (col. 13, lines 39-40, which teaches that "[i]dentify those products that would be affected by the shortage of certain critical

component" and figure 17 illustrates the inventory parameters (e.g., a fourth set of user-defined

parameters));

Therefore, it would have been obvious to one of ordinary skill in the art to modify Fox in both

view of Ouimet and Waller to include the teaching of Huang because the claimed invention is merely a

combination of old elements, and in the combination each element merely would have performed the

same function as it did separately, and one of ordinary skill in the art would have recognized that the

results of the combination were predictable.

17.   Claim 231 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fox. (U.S. 5,491,629)

        hereinafter "Fox" in view of Ouimet (US 2002/0107819 A1) further in view of Waller et al., (US

        2001/0047293 A1) hereinafter "Waller" as applied to claims 140-145, 150-151, 155-159, 162,

        169-174, 182-183 and 233-236 above in view of Yang et al., (US 2001/0034673 A1) hereinafter

        "Yang".

        As per **claim 231** Fox teaches *analyzing by the computer system of internal and external data* in

col. 12, lines 1-9; col. 14, lines 53-56; Analysis of the potential impact is made. Fox does not expressly

teach the following limitations. However Yang in an analogous art of service part inventory planning and

management for the purpose of allocating components (¶ 0024) as shown does

        using a fourth analysis module to determine, for each component in the plurality of components,

an allocation of a purchase quantity of the component across a set of suppliers, and wherein the

analyzing performed using the fourth analysis module is based on a fourth set of user-defined

parameters that qualify the internal or external data (¶ 0024 which teaches that customer 16 must

typically create both short term and long term demand forecasts for service parts based on data

concerning the lifespan of products and their constituent parts, failure rates of products and their

constituent parts, and any other suitable information" (e.g. a fourth set of user-defined parameters) in

order that the marketplace 14 determines "optimal allocations of the services parts between various

customers");

        Therefore, it would have been obvious to one of ordinary skill in the art to modify Fox in both

view of Ouimet and Waller to include the teaching of Yang because the claimed invention is merely a

combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

Fox does not expressly teach *wherein the allocation is based on contractual obligations with the set of suppliers and performance ratings for the set of suppliers* Examiner takes Official Notice that it is old and well known in supply management arts to based the allocations on contractual obligations with the set of suppliers and the performance ratings of the set of suppliers as evidenced by Lidow (US 2002/00194057 A1) which in ¶ 0069 teaches "[s]uch an ad hoc request is an order that no supplier has been prepared to receive as it was not forecasted or was not within forecasting tolerances defined in contractual arrangements between suppliers and customers" and ¶ 0159 which teaches that "[t]he transactional nature of these processes provides supply chain network 74 with information critical to some of the value added services it may offer. This information includes: customer/industry buying patterns, customer forecast accuracy, <u>supplier performance,</u> and product transitions." Therefore, it would have been obvious to one of ordinary skill in the art to modify Fox in view of Ouimet/Waller/Yang to include the teaching of Official Notice because the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

18.   Claim 232 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fox et al. (U.S. 5,491,629) hereinafter "Fox" in view of Ouimet (US 2002/0107819 A1) further in view of Waller et al., (US 2001/0047293 A1) hereinafter "Waller" as applied to claims 140-145, 150-151, 155-159, 162, 169-174, 182-183 and 233-236 above in view of Salvo et al., (US 6,341,271 B1) hereinafter "Salvo".

As per **claim 232**. Fox et al. does not expressly disclose the following limitation. However Salvo in an analogous art of inventory management system for the purpose of providing conditions with values (col. 8 lines 51-60) as shown does:

receiving by the computer system, a condition pertaining to the internal or external data; and if

the condition is satisfied, sending an alert to the user (col. 8 lines 51-60 which teaches that "[t]he control

unit 114 and the service center 175 can send alerts to plant management at the manufacturing site and

vendors (if desired), if a "critical" event [...] and changes in economic indicators occur.");

Therefore, it would have been obvious to one of ordinary skill in the art to modify Fox in both

view of Ouimet and Waller to include the teaching of Salvo because the claimed invention is merely a

combination of old elements, and in the combination each element merely would have performed the

same function as it did separately, and one of ordinary skill in the art would have recognized that the

results of the combination were predictable.

Response to Arguments

19.   Applicant's arguments received on 13 April 2009 with regards to the 35 USC 103 rejection of

claim 140 based on Fox et al. (U.S. 5,491,629) have been fully considered, but they are not

persuasive.

20.   In particular Applicant argues that the prior art of record specifically that Fox (1) fails to teach or

suggest "analyzing… the internal and external data using a first analysis module to determine

criticality ratings for the plurality of components..." "analyzing... the internal and external data

using a second analysis module to forecast prices for the plurality of components. . . ," and

"analyzing. . . the internal and external data using a third analysis module to determine optimal

inventory levels for the plurality of components…" as recited in claim 140 (page 12, 4th ¶); (2) Fox

does not teach anything about the "analyzing.. ." steps of claim 140, Fox necessarily fails to teach

or suggest "recommending.. . one or more proposed actions to take with respect to procurement

of the plurality of components based on the analyzing performed using - the first, second, and

third analysis modules" as recited in claim 140 (page 13, 1st ¶) ; (3) Fox fails to teach or suggest

"providing, by the computer system, one or more computer-initiated options for fully or partially

executing an action in the one or more proposed actions" as recited in claim 140 (page 13, 2nd ¶)

and (4) the cited section does not provide any details about the information that is provided by

these computers to an end-user, or how execution of a particular plan portion is initiated. In

contrast, claim 140 specifically recites that a computer system provides to a user computer-

initiated options for fully or partially executing the one or more proposed actions" (page 13, last

paragraph).

21.   In response to Applicant's arguments (1) and (2) with respect to claim 140 have been considered

but are moot in view of the new ground(s) of rejection.

22.   In response to argument (3), Examiner respectfully disagrees. Please see the rejection above.

23.   In response to applicant's argument (4) that the references fail to show certain features of

applicant's invention, it is noted that the features upon which applicant relies (i.e., provide any

details about the information that is provided by these computers to an end-user, or how

execution of a particular plan portion is initiated; a computer system <u>provides to a user computer</u>

<u>initiated options</u>) are not recited in the rejected claim(s). Although the claims are interpreted in

light of the specification, limitations from the specification are not read into the claims. See *In re*

Van Geuns, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

24.   It is noted that the applicant did not challenge the officially cited facts in the previous office

action(s) therefore those statements as presented are herein after prior art.   Specifically it has

been established that it was old and well known in the art at the time of the invention that:

As per claim 162, Fox discloses *wherein the step of discovering internal and external data*

includes extraction, transformation and loading of data, scanning of data that has been aggregated

across a single business unit or across multiple business units of the enterprise (col. 6, lines 10-19 and

33-40; Figure 5; A computer system uses internal and external data to determine an impact on the retail

industry.   The internal and external data is used to revise a managerial plan (i.e., make strategic

decisions).

However, Fox does not expressly disclose conducting of real-time searching or

customizing of real-time alerts and news feeds.

Fox disclose creating models related for advertising campaigns for users by collecting data such

as external and internal data. It is old and well known in businesses to perform the functions of real-time

searching, customized real-time alerting, and news feeds based on data currently collected.   It would

have been obvious to one of ordinary skill in the art at the time of the invention to include these data-based features in the system of Fox in order to more accurately plan and manage the strategic decisions of the company based on the most current information.

As per claim 174, Fox discloses running the model weekly and monthly and using past data (See column 6). However, Fox does not explicitly *reintegrating the internal and external data into the data mart after each step of the method is performed, and wherein the data is continuously incorporated into the data mart automatically or at predetermined or other intervals.*

Fox discloses a modeling system that uses external and internal data and makes forecasts on weekly and monthly increments using past data. It is old and well known in the forecasting arts to update your data over-time in order to make more accurate projections. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to update and integrate data in the system of Fox in order to more accurately make predictions.

Conclusion

25.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Lidow (US 2002/00194057 A1) discloses supply chain architecture.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the   mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry of a general nature or relating to the status of this application or concerning this communication or earlier communications from the Examiner should be directed to **Nadja Chong** whose telephone number is **571.270.3939.** The Examiner can normally be reached on Monday-Friday, 9:30am-5:00pm.   If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, **BETH BOSWELL** can be reached at **571.272.6737**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://portal.uspto.gov/external/portal/pair <http://pair-direct.uspto.gov >. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at **866.217.9197** (toll-free).

Any response to this action should be mailed to:

Commissioner of Patents

P.O. Box 1450

Alexandria, VA 22313-1450

or faxed to **571-273-8300**.

Hand delivered responses should be brought to the **United States Patent and Trademark Office Customer Service Window**:

Randolph Building

401 Dulany Street

Alexandria, VA 22314.

/Nadja Chong/ Examiner, Art Unit 3623

/Beth V. Boswell/

Supervisory Patent Examiner, Art Unit 3623